

1 NICHOLAS A. TRUTANICH  
2 United States Attorney  
3 District of Nevada  
4 Nevada Bar Number 13644  
5 JAMIE MICKELSON  
6 Assistant United States Attorney  
501 Las Vegas Blvd. South, Suite 1100  
Las Vegas, Nevada 89101  
Phone: (702) 388-6336  
Email: jamie.mickelson@usdoj.gov  
*Attorneys for the United States of America*

7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 JUAN LUIS SOSA TAMAYO,

13 ADRIAN LEYVA TAMAYO,

14 DAYNER MANUEL  
ALARCON RODRIGUEZ,

15 ALEN BOUCOURT DIAZ, and

16 FRANCISCO RODRIGUEZ GONZALEZ,

17 Defendants.

Case No. 2:20-cr-194-JAD-DJA

**Stipulation for a Protective Order**

19 The parties, including Plaintiff, the United States of America, and Defendants Juan  
20 Luis Sosa Tamayo, Adrian Leyva Tamayo, Dayner Manuel Alarcon Rodriguez, Alen  
21 Boucourt Diaz, and Francisco Rodriguez Gonzalez (hereinafter each a “Participating  
22 Party,” and collectively, the “Participating Parties”), respectfully request that the Court issue  
23 an Order protecting from disclosure to the public, or any third party not directly related to  
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1 this case, any documents, recordings, or other tangible things produced by the Government  
2 during discovery, containing personal identifying information and financial records of the  
3 defendants and third parties. The parties state as follows:

4       1. An indictment was returned by the grand jury on August 5, 2020, charging the  
5 defendants with Conspiracy, in violation of Title 18, United States Code, Section 371, Use  
6 of Unauthorized Access Devices, in violation of Title 18, United States Code, Section  
7 1029(a)(2), Possession of Fifteen or More Counterfeit or Unauthorized Access Devices, in  
8 violation of Title 18, United States Code, Section 1029(a)(3), and Aggravated Identity Theft,  
9 in violation of Title 18, United States Code, Section 1028A. (ECF No. 1).

10       2. The Government desires and intends to produce discovery as soon as possible.

11       3. The indictment in this case alleges a criminal conspiracy and scheme and plan  
12 to steal financial information, namely credit and debit card account numbers, through the  
13 use of skimming devices placed at various point of sale terminals in and around Nevada and  
14 California. The discovery is voluminous in this case and involves records obtained from  
15 financial institutions, including account information of financial accounts belonging to  
16 victims of the scheme, as well as personal identifying information of the defendants in this  
17 matter (the “Protected Information.”) The “Protected Information” is subject to this  
18 protective order.

19       4. The Government believes this order is necessary as the dissemination of the  
20 “Protected Information,” could endanger the privacy and financial information of victims,  
21 as well as the various defendants.

22       5. In order to protect the privacy of the third parties and the defendants, the  
23 Participating Parties intend to restrict access to the following individuals: the Participating  
24

1 Parties, attorneys for all parties, and any personnel that the attorneys for all parties consider  
2 necessary to assist in performing those attorneys' duties in the prosecution or defense of this  
3 case, including investigators, paralegals, retained experts, support staff, and any other  
4 individuals specifically authorized by the Court (collectively, the "Covered Individuals").

5 6. The Covered Individuals shall be advised of the Protective Order, and as such  
6 without leave of Court, the Covered Individuals shall not:

7 a. make copies for, or allow copies of any kind to be made by any other  
8 person of the "Protected Information" in this case;

9 b. allow any other person to read, listen, or otherwise review the  
10 "Protected Information" in this case;

11 c. use the "Protected Information" for any other purpose other than  
12 preparing to defend against or prosecute the charges in the indictment or any further  
13 superseding indictment arising out of this case; or

14 d. attach any "Protected Information" to any of the pleadings, briefs, or  
15 other court filings except to the extent those pleadings, briefs, or filings are filed under seal  
16 or properly compliant with LR IC 6-1.

17 7. Nothing in this stipulation is intended to restrict the Participating Parties' use  
18 or introduction of the "Protected Information" as evidence at trial or support in motion  
19 practice. Nothing in this stipulation is intended to bar or otherwise restrict counsel from  
20 rendering advice to his or her client with respect to the charges in the Indictment.

21 8. The parties shall inform any person to whom disclosure may be made pursuant  
22 to this order of the existence and terms of this Court's order.

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1       9.     In the event of an inadvertent disclosure of the Protected Information, the  
2 Participating Party making or learning of the inadvertent disclosure will immediately:

3       a.   Notify the person to whom the disclosure was made that it contains Protected  
4                   Information subject to a Protective Order;

5       b.   Make all reasonable efforts to preclude dissemination or use of the Protected  
6                   Information by the person to whom disclosure was inadvertently made;

7       c.   Notify the Government and other parties of the identity of the person to whom  
8                   the disclosure was made, the circumstances surrounding the disclosure, and  
9                   the steps taken to ensure against further dissemination or use of the  
10                  information; and

11       d.   Notify the Court in writing under seal.

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1        10. The Participating Parties reserve the right to seek to modify the terms of this  
2 protective order at a later time pursuant to Federal Rule of Criminal Procedure 16(d)(1).  
3 Should a reasonable need for this protective order cease to exist, on grounds other than a  
4 Covered Individual or some other person violating or circumventing its terms, the  
5 Government will move expeditiously for its dissolution.

Respectfully submitted,

For the United States:

NICHOLAS A. TRUTANICH  
United States Attorney

By: /s/Jamie Mickelson  
JAMIE MICKELSON  
Assistant United States Attorney

For the Defendants:

/s/ Daniel Hill  
Daniel Hill, Esq.  
Counsel for Juan Luis Sosa Tamayo  
and Adrian Leyva Tamayo

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*/s/ Lance Maningo*  
Lance Maningo, Esq.  
Counsel for Dayner Manuel Alarcon  
Rodriguez

/s/ Ben Nadig  
Ben Nadig, Esq.  
Counsel for Francisco Rodriguez Gonzalez

/s/ Gabriel Grasso  
Gabriel Grasso, Esq.  
Counsel for Alen Boucourt Diaz

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 2:20-cr-194-JAD-DJA

Plaintiff,

V.

## Protective Order

JUAN LUIS SOSA TAMAYO,

ADRIAN LEYVA TAMAYO,

DAYNER MANUEL  
ALARCON RODRIGUEZ,

ALLEN BOUCOURT DIAZ, and

FRANCISCO RODRIGUEZ GONZALEZ,

## Defendants.

Based upon the Stipulation of counsel, and for good cause shown, it is hereby ORDERED as follows:

1. The parties, including Plaintiff, the United States of America, and Defendants Juan Luis Sosa Tamayo, Adrian Leyva Tamayo, Dayner Manuel Alarcon Rodriguez, Alen Boucourt Diaz and Francisco Rodriguez Gonzalez, (hereinafter each a "Participating Party," and collectively, the "Participating Parties"), request for a Protective Order is GRANTED

2. An indictment was returned by the grand jury on August 5, 2020, charging the defendants with Conspiracy, in violation of Title 18, United States Code, Section 371, Use of Unauthorized Access Devices, in violation of Title 18, United States Code, Section 1029(a)(2). Possession of Fifteen or More Counterfeit or Unauthorized Access Devices, in

1 violation of Title 18, United States Code, Section 1029(a)(3), and Aggravated Identity Theft,  
2 in violation of Title 18, United States Code, Section 1028A. (ECF No. 1).

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4       4. The indictment in this case alleges a criminal conspiracy and scheme and plan  
5 to steal financial information, namely credit and debit card account numbers, through the  
6 use of skimming devices placed at various point of sale terminals in and around Nevada and  
7 California. The discovery is voluminous in this case and involves records obtained from  
8 financial institutions, including account information of financial accounts belonging to  
9 victims of the scheme, as well as personal identifying information of the defendants in this  
10 matter (the “Protected Information.”) The “Protected Information” is subject to this  
11 protective order.

12       5. The Government believes this order is necessary as the dissemination of the  
13 “Protected Information,” could endanger the privacy and financial information of victims,  
14 as well as the various defendants.

15       6. In order to protect the privacy of the third parties and the defendants, the  
16 Participating Parties intend to restrict access to the following individuals: the Participating  
17 Parties, attorneys for all parties, and any personnel that the attorneys for all parties consider  
18 necessary to assist in performing those attorneys’ duties in the prosecution or defense of this  
19 case, including investigators, paralegals, retained experts, support staff, and any other  
20 individuals specifically authorized by the Court (collectively, the “Covered Individuals”).

21       7. The Covered Individuals shall be advised of the Protective Order, and as such  
22 without leave of Court, the Covered Individuals shall not:

23           a. make copies for, or allow copies of any kind to be made by any other

1 person of the “Protected Information” in this case;

2 b. allow any other person to read, listen, or otherwise review the  
3 “Protected Information” in this case;

4 c. use the “Protected Information” for any other purpose other than  
5 preparing to defend against or prosecute the charges in the indictment or any further  
6 superseding indictment arising out of this case; or

7 d. attach any “Protected Information” to any of the pleadings, briefs, or  
8 other court filings except to the extent those pleadings, briefs, or filings are filed under seal  
9 or properly compliant with LR IC 6-1.

10 8. Nothing in this Order is intended to restrict the Participating Parties’ use or  
11 introduction of the “Protected Information” as evidence at trial or support in motion  
12 practice. Nothing in this stipulation is intended to bar or otherwise restrict counsel from  
13 rendering advice to his or her client with respect to the charges in the Indictment.

14 9. The parties shall inform any person to whom disclosure may be made pursuant  
15 to this order of the existence and terms of this Court’s order.

16 10. In the event of an inadvertent disclosure of the Protected Information, the  
17 Participating Party making or learning of the inadvertent disclosure will immediately:

18 a. Notify the person to whom the disclosure was made that it contains  
19 Protected Information subject to a Protective Order;

20 b. Make all reasonable efforts to preclude dissemination or use of the  
21 Protected Information by the person to whom disclosure was inadvertently made;

- c. Notify the Government and other parties of the identity of the person to whom the disclosure was made, the circumstances surrounding the disclosure, and the steps taken to ensure against further dissemination or use of the information; and
- d. Notify the Court in writing under seal.

## IT IS SO ORDERED

This 20th day of August, 2020.

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HON. DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE